

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 V. ) CRIMINAL NO. 05-10155-MLW  
 )  
 JANET E. SMITH, ET AL )

INTERIM STATUS CONFERENCE REPORT

\_\_\_\_\_The parties respectfully report, in compliance with this Court's September 16, 2005 Interim Status Report, the following with respect to the items set forth in Local Rule 116.5(A):

- (1) no relief is sought from the otherwise applicable timing requirements imposed by L.R. 116.3;
- (2) there are no requests for discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(E);
- (3) defense counsel have reviewed the discovery provided thus far by the Government and have arrived at a total loss figure in this case that varies slightly from that which the Government has alleged;
- (4) the parties ask that this Court provide them 30 days from the scheduled date of the interim status conference in order to confer concerning any disagreements/discrepancies in their respective calculations of the total loss amount and work toward a disposition of these matters short of trial;

- (5) the parties ask that the Court exclude from the time within which this case must be tried under the Speedy Trial Act the period from October 28, 2005 to the date scheduled for the Final Status conference date (approximately 30 days); according to the Court's Interim Status Conference Report dated September 16, 2005, at the time of the interim status conference on October 28, 2005, there will be zero (0) days of non-excludable time under the Speedy Trial Act and seventy (70) days will remain under the Speedy Trial Act in which this case must be tried;
- (6) Although the parties are requesting additional time to work toward a non-trial disposition, if a trial were necessary it would last five to seven days; and
- (7) the parties suggest that a Final Status Conference be scheduled for approximately 30 days from October 28, 2005. At this time the parties expect to have an agreement concerning the loss figure in this case that should expedite the resolution of this matter short of trial.

Respectfully submitted this 25th day of October 2005.

THOMAS CABANA

By: /s/ Oscar Cruz, Jr.  
OSCAR CRUZ, JR.  
Attorney for Defendant  
THOMAS CABANA  
(617) 223-8061

/s/ Victor A. Wild  
VICTOR A. WILD  
Assistant U.S. Attorney  
  
(617) 748-3145

/s/ Glen Randall  
GLEN RANDALL  
Attorney for Defendant  
JANET SMITH  
(781)238-0300

October 25, 2005